

The following is a summary of the important issues we identified in the administrative draft MSCS at our meeting on May 4, 1999. Listed below are the issues along with recommendations. Please review this write-up for accuracy and feel free to add any issues I missed or additional text for clarification (In fact, I am counting on it!) My expectation is that some of this discussion will be folded into a comment memorandum on the administrative draft MSCS.

Please be advised that these are not meeting notes. I attempted to develop short-list of big issues, not record everything that was discussed at the meeting. Some of what we discussed I will add to the table of specific comments.

Please provide me your input tomorrow, May 6 before 5:00 P.M.

Issue 1: Relationship between the ERP and MSCS

There is a lot of confusion regarding the purpose of the MSCS versus the ERP. The relationship between the two is unclear. There is lack of integration between the ERP, MSCS and CMARP.

DFG's view is that there is an existing environmental baseline out there worth protecting (This baseline is what we have out there right now). The ERP will provide substantial improvements on top of this baseline, particularly once the species-specific conservation measures are incorporated. The MSCS will provide additional improvements in conservation of habitat and species by including mitigation measures to offset any adverse effects due to CALFED program implementation.

The ERP focus has been restoration of ecological processes and on aquatic resources. It does not include enough species-specific information to determine whether ERP actions will conserve a given species. The MSCS provides this additional detail and addresses more species and habitats than those described in the ERP. Therefore, it follows that the MSCS should contain additional conservation measures and conservation measures for particular species and habitats compared to the ERP. These conservation measures are intended to augment shortfalls in the ERP; cases where the ERPP does not meet species conservation goals established in the MSCS. The MSCS also contains programmatic mitigation measures meant to lessen or offset adverse effects of CALFED Program implementation. The species goals and conservation measures are deemed necessary to support "adequately conserved" findings, and to biologically support the proposed take authorizations that will accompany action specific implementation plans in Stage 1.

Recommendation:

The Conservation Measures in the MSCS that were developed to augment the ERP should be included in the ERPP program description. These measures will include species conservation measures developed in the species experts workshops, but not the mitigation measures. The mitigation measure will remain in the MSCS. The MSCS will thus become a strategy for lessening or offsetting adverse impacts to species and habitats and outline a strategy for

achieving compliance with federal and state ESA, streamlining the development of sub-regional NCCPs, etc. and describe a strategy to adequately conserve covered species and habitats.

Issue 2: Relationship between the DRAFT EIS/EIR and the MSCS

DFG recognizes that the EIS absolutely must analyze the impacts of the conservation strategy. The EIS/EIR will serve as the NEPA and CEQA compliance documents for the programmatic federal biological opinion and NCCP.

Recommendation:

DFG will ask CALFED to reconcile acreage figures in the ERP versus the MSCS. Once we have this information we can determine where species conservation measures may exceed what is described in the ERP and resolve concerns regarding additional requirements imposed by the MSCS. In cases where species experts recommended higher acreage figures (e.g. Suisun Marsh and North Bay) we may be able to simply change the acreage numbers in the CALFED documents (EIS, ERPP) without CALFED having to perform additional analysis. It is not a fatal flaw if the EIS doesn't analyze these measures in detail. Subsequent analysis can be done in ASIPs.

Issue 3: Species goal prescriptions for spring-run chinook salmon

The population numbers contained in the species goal prescriptions for spring-run chinook salmon is based on information which is outdated and indefensible. NMFS is planning to develop a multi-species recovery plan for Pacific chinook salmon stocks and steelhead which will use tools such as population viability/extinction modeling. Once their work is complete we should have a scientifically valid, quantitative goal of recovery for spring-run.

Dennis McEwan has provide me recommended numbers for recovering steelhead, which he passed on to Terry Mills for inclusion in the ERP, which he characterized as a provisional population goal, to be modified once NMFS finishes its multi-species plan. He has a rationale to support his numbers, however, would we be inconsistent if we recommend deleting numbers for spring-run but are O.K with numbers for other salmon runs and steelhead?

Recommendation:

DFG will recommend that the specific numbers contained in the species goal prescriptions for chinook salmon will be removed from MSCS Technical Report 4 (MSCS Conservation Measures for Evaluated Species). These numbers were based on insufficient and indefensible data. Text will be added which says that once NMFS completes its multi-species recovery plan for Pacific salmon stocks and steelhead we will have the technically sound data which we can use to define quantitative species goals and recovery criteria. These goals and recovery criteria can then be folded into the MSCS.

Issue 4: How will the EWA "plug-into" the MSCS?

The MSCS says very little about the EWA and how it will be integrated into the MSCS. The EWA is far from being in a form that we could "plug-into" the MSCS. Also, the CALFED Revised Phase II Report will not have much more detail on the EWA compared to the December 18, 1999 version.

Recommendation:

The best we can do is to suggest adding a paragraph which conceptually describes how the EWA might fit into the MSCS.

Issue 5: NCCP Guidelines and ag lands

NCCP Guidelines require that impacts on farmland be analyzed in an NCCP.

Recommendation:

We will recommend that the MSCS provide a way to give farmers coverage under certain circumstances within the legal Delta. This could be a Type 1 action.

Issue 6: Tracking changes in habitat area

Tracking environmental effects (plus and minus) resulting from implementation of the CALFED Program will be difficult but is essential. It is necessary to keep what projects are being implemented, under which programs, and for what objectives.

Recommendation:

We will suggest that a tracking system be developed that provides an accounting of habitat losses and gains, location of mitigation versus restoration lands, etc.

Issue 7: Species population monitoring

Habitat-based monitoring is insufficient for tracking individual species, particularly plants. The MSCS will need explicit state that CMARP will provide species population monitoring for all R and r species. Species population monitoring will be required for all "R" and "r" species in order to issue take authorization. Biological monitoring to determine efficacy of conservation measures and compliance monitoring to make sure measures are implemented will be necessary.

Recommendation:

The document needs to explicitly state that such monitoring will occur.

f: gen_comments_May4.wpd